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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,975	11/07/2000	David B. Agus	MSKP039	8051
21121	7590	11/03/2004	EXAMINER	
OPPEDAHL AND LARSON LLP P O BOX 5068 DILLON, CO 80435-5068			ART UNIT	PAPER NUMBER

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1. The Appeal Brief filed on August 30, 2004 in response to the Office Action of January 21, 2004 is acknowledged and has been entered.
2. The Appeal Brief is defective because the Brief does not comply with the requirements of 37 CFR 1.192 because:

(1) Although the Summary of the Invention does include reference to page and line numbers drawn to CD20, a transmembrane protein and does include reference to page and line number drawn to the definition of active vaccination, the Summary does not provide page and line numbers for SEQ ID NO:1, B Cell non-Hodgkin's lymphoma, an immunogenic portion of CD20, an xenogeneic homolog of CD20, breaking of tolerance, carrier proteins or acceptable adjuvants. Thus, the Summary of the Inventions does not include reference to the page and line numbers drawn to the claimed inventions. The Summary of the Invention is a concise explanation of the invention defined in the claims involved in the appeal and shall refer to the specification by page and line number and to the drawing, if any, by reference characters. While reference to page and line number of the specification may require somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application. The single references to page and line numbers drawn to CD20 and the definition of active immunization is not sufficient to enable the Board to more quickly determine where the claimed subject matter is described in the application and thus is not sufficient to meet the requirements of 37 CFR 1.192(c)(5). See MPEP 1206, Section 5.

3. Although the Issues section of the Brief does include a statement of the basis of each issue it does not appear to satisfy the requirements of 37 CFR 1.192(c)(6).

The issue statement is a concise statement of the issues presented for review. Each stated issue should correspond to a separate ground of rejection which appellant wishes the Board of Patent Appeals and Interferences to review. While the statement of the issues must be concise, it should not be so concise as to omit the basis of each issue. For example, the statement of an issue as "Whether claims 1 and 2 are unpatentable" would not comply with 37 CFR 1.192(c)(6). Rather, the basis of the alleged unpatentability would have to be stated, e.g., "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 103 over Smith in view of Jones," or "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 112, first paragraph, as being based on a nonenabling disclosure." See MPEP 1206, Section 5.

4. Although the Grouping of the Claims section of the Brief does include a Grouping of the Claims drawn to the first rejection, the section does not include a Grouping of the Claims for the second rejection. The section appears to be incomplete as it states in particular "As to the second rejection," wherein the sentence is not completed.

5. To avoid dismissal of the appeal, appellant must submit an appeal brief in compliance with the requirements of these sections within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Ungar, PhD whose telephone number is

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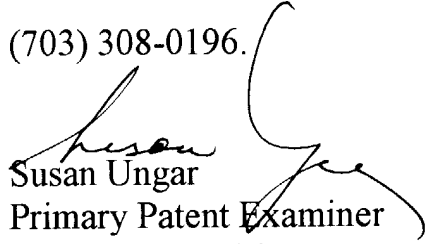
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(571) 272-0837. The examiner can normally be reached on Monday through Friday from 7:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew, can be reached at (571) 272-0787. The fax phone number for this Art Unit is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

  
Susan Ungar  
Primary Patent Examiner  
October 27, 2004

SUSAN UNGAR, PH.D  
PRIMARY EXAMINER